



## APPROPRIATION LINE ITEM AND BOILERPLATE HISTORY

DEPARTMENT OF CIVIL RIGHTS PART 1: LINE ITEM DETAIL
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2012 PA 200  
FY 2012-13  
Enacted

### Sec. 103 (1) APPROPRIATION SUMMARY

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| 1. <u>Full-time equated unclassified positions</u> - Positions that are exempted from the classified State civil service pursuant to Article XI, Section 5 of the Michigan Constitution. These positions include elected officials, heads of principal departments, and a limited number of policy-making positions in departments. | 6.0                 |
| 2. <u>Full-time equated classified positions</u> - All positions in State service unless exempted by Article XI, Section 5 of the Michigan Constitution. One FTE position equals 2,088 hours.   | 121.0               |
| 3. <b><u>GROSS APPROPRIATION</u></b> - Total appropriations   | <b>\$14,765,500</b> |
| 4. <u>Interdepartmental grants (IDG)</u> - Funds that are also appropriated in other budgets. These funds are categorized as IDGs in the department that spends the funds and are therefore subtracted from the Gross Appropriation to avoid double counting total statewide appropriations.  | 0                   |
| 5. <u>ADJUSTED GROSS APPROPRIATION</u> - Gross appropriations less IDGs.  | 14,765,500          |
| 6. <u>Federal revenue</u> - Funding allocated to the State by the Federal government.   | 2,641,300           |
| 7. <u>Local revenue</u> - Funds paid by local units of government that support State services and programs.   | 0                   |
| 8. <u>Private revenue</u> - Available appropriated funds from private sources, including funding from non-governmental agencies.  | 0                   |
| 9. <u>State restricted revenue</u> - Revenue earmarked for a specific purpose by the State Constitution, statute, or appropriation bill. Restricted revenue also includes general fund/special purpose funds, such as fee revenue used to support licensing programs.   | 151,900             |
| 10. <u>State general fund/general purpose</u> - Revenue that has no constitutional or statutory restrictions on how it is used. Approximately 90% of the general fund/general purpose (GF/GP) revenue is derived from the income, single business, insurance, sales, and use taxes.   | 11,953,600          |
| 11. <u>Payments to locals</u> - State appropriations from GF/GP or State restricted revenues that will be allocated to local units of government.   | 0                   |

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**Sec. 103 (2) CIVIL RIGHTS OPERATIONS**

1. Unclassified positions \$700,000

Unclassified FTE positions 6.0

This line funds the Director of the Department and the Director of the Women's Commission. Additional positions may be added during FY 2012-13. Only salaries are funded through this line. Fringe benefits for these positions are included in the Operations line item. As part of the leadership target agreement on the budget for FY 2012-13, the line was increased by \$432,900 to \$700,000 and the position authority was increased from 5.0 to 6.0. This was the first significant increase in a decade. Prior to FY 2012-13, this line only had sufficient funding for 2.0 out of the 5.0 authorized positions. Executive Order 2001-9 reduced this line item in FY 2001-02. The line item was unchanged from FY 2002-03 to FY 2008-09. An increase of \$2,400 was made in FY 2009-10.

2. Civil rights operations \$12,332,600

Classified FTE positions 114.0

This line supports all operations of the Department. Article V, Section 29 of the Michigan Constitution of 1963 charges the Civil Rights Commission with investigating "alleged discrimination against any person because of religion, race, color, national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination." The Elliott-Larsen Civil Rights of 1976 also prohibits discrimination based on age, sex, height, weight, familial status, and marital status. The Department was created in 1965. The Department has offices in Lansing, Detroit, Flint, Grand Rapids, and Marquette. The Department is organized into three divisions:

- a. Office of Civil Rights Operations. The office houses the Intake Unit and the Enforcement Division which is responsible for investigations of alleged unlawful discrimination in employment, education, housing, public accommodation, law enforcement, and public service. Depending on the type of complaint, the case may be entirely State funded or partially funded by the Federal government.

Housing and employment cases are "dually filed" with both the State and the Federal government. The Department receives reimbursement from the Federal government for these dually filed cases. The Michigan Department of Civil Rights (MDCR) serves as a Fair Housing Assistance Program, investigating cases for the U.S. Department of Housing and Urban Development. The State receives a grant of up to \$2,600 for each housing case that is investigated and resolved. The maximum payment is received for cases resolved within 100 days. The State is paid based on the actual number of cases completed. The State is also a Fair Employment Practices Agency, investigating cases on a contract with the Federal (EEOC). The EEOC provides the State with funding at the rate of \$650 for each EEOC case that is closed. The number of cases paid is set in a contract which can be modified through a State-petition process. The office also provides education and referrals to other organizations.

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The Michigan Department of Civil Rights Annual Report shows the following data:

<b>Fiscal Year</b>	<b>Complaints Opened</b>	<b>Complaints Closed</b>	<b>Est. Settlements &amp; Salaries to Claimants (in millions)</b>
2006-07	2,642	2,294	\$2.3
2007-08	2,845	2,637	2.5
2008-09	2,745	2,503	3.1
2009-10	2,516	2,657	3.2
2010-11	2,169	2,326	2.3

- b. Office of Law and Policy. The functions of this office include legal affairs, hearings, and mediation. Legal staff review policies and legislation, provide advice and education, prepare charges, and conduct litigation when necessary.
- c. Office of Public Affairs and Administrative Services. This office consists of Community Relations, Public Affairs/Communication, Business and Community Affairs (including the Contractor Review Unit), the Michigan Indian Tuition Waiver, Management Services, and several commissions. This unit focuses on building relationships with community agencies. Potential partners include federal, state, and local law enforcement, community and faith-based agencies, colleges, youth groups, and other human and civil rights groups. The office provides training to prevent discrimination and responds to communities with hate crime or bias-related events. In addition, it carries out special initiatives including those on bullying prevention and immigration. The Community Relations Division activates coalitions for outreach services and for responding to specific incidents. The Contract Compliance unit reviews State contractors for compliance with anti-discrimination laws and policies. For contracts over \$250,000, State contractors must obtain a Certificate of Awardability from the Department. Beginning in 2011, the Department of Civil Rights administered the application process for the Michigan Indian Tuition Waiver which provides free tuition to eligible Native Americans pursuant to PA 174 of 1976. The Management Services section provides administrative support, including operation of the Contact Management System, which tracks cases and other work of the office.

The Michigan Women's Commission is funded from the operations line. It was established in Public Act 1 of 1968 and transferred to the Department of Civil Rights by Executive Order 1991-21. This Commission has a total of 19 members of whom 15 are appointed by the Governor with the advice and consent of the Senate and four are ex officio members from other State departments. The Governor designates a chairman and vice-chairman of the commission. The chairman holds an unclassified position. The Women's Commission reviews the status of women in the State, promotes their interests, and helps develop resources related to education and services. The Women's Commission is Type I agency.

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3. Division on deaf and hard of hearing

\$654,700

Unclassified FTE positions

5.0

This line item was renamed in FY 2012-13 to reflect the work funded by the line. This includes the registration of interpreters for the deaf and hearing impaired, advocacy, and investigation of complaints.

Executive Order 2011-4 transferred Division on Deaf and Hard of Hearing, which at the time was within the Commission on Disability Concerns, from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights. This line was added to the department's budget for FY 2011-12. Executive Order 2012-10 transferred the responsibilities of the Commission on Disability Concerns to the Department of Civil Rights and abolished the Commission.

4. Hispanic/Latino commission of Michigan

\$196,500

Unclassified FTE positions

1.0

The Commission on Spanish-Speaking Affairs was established by PA 164 of 1975 and renamed the Hispanic/Latino Commission of Michigan by PA 146 of 2010. The mission of the Commission of to "...promote the interest of Hispanics in Michigan, increasing opportunities in education, business and all other aspects of public life." The Commission consists of 15 members appointed by the Governor with the advice and consent of the Senate. The Commission was transferred by Executive Order 2011-4 from the former Department of Energy, Labor and Economic Growth to the Department of Civil Rights.

5. Asian Pacific American affairs commission

\$100,000

Unclassified FTE positions

1.0

This line item is new for FY 2012-13. The Asian Pacific American Affairs Commission was created by PA 536 of 2008, however, FY 2012-13 is the first year of State funding. The mission of the Commission is to "...advance the full and equal participation of Asian Pacific Americans in the building of a greater Michigan." The Commission consists of 15 members appointed by the Governor with the advice and consent of the Senate. The Commission was transferred by Executive Order 2011-4 from the former Department of Energy, Labor and Economic Growth to the Department of Civil Rights.

**Unit Gross Appropriation**

**\$13,983,800**

Federal revenue

2,601,700

Private

18,700

State restricted

151,900

State general fund/general purpose

11,211,500

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<b>2012 PA 200</b> <b>FY 2012-13</b> <b>Enacted</b>
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**Sec. 103 (3) INFORMATION TECHNOLOGY**

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| 1. <u>Information technology services and projects</u> | \$652,800 |
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Executive Order 2001-3 created the Department of Information Technology (DIT). In FY 2002-03, 5.0 FTEs were transferred to the new department from the Department of Civil Rights. The funding is appropriated in the originating department and received in DIT as an interdepartmental grant from user charges.

<b>Unit Gross Appropriation</b>	<b>\$652,800</b>
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Federal	15,000
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State general fund/general purpose	637,800
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**Sec. 103 (4) ONE-TIME BASIS ONLY APPROPRIATIONS**

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| 1. <u>State employee lump-sum payments</u> | \$128,900 |
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New in FY 2012-13, this line item appropriated funding for one-time payments due to State employees by contract.

<b>Unit Gross Appropriation</b>	<b>\$128,900</b>
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State general fund/general purpose	104,300
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**DEPARTMENT OF CIVIL RIGHTS  
PART 2: BOILERPLATE DETAIL**

**2012 PA 200, Article VIII**

<b>Section Number</b>	<b>Description and History</b>
401	<p><b><u>Contingency Funds.</u></b> Provides for the appropriation of up to \$2.0 million in Federal revenues and up to \$750,000 in private revenues received during the year upon approval by the Appropriations Committees of both Houses of the Legislature through the Legislative transfer process.</p> <p><b>Background:</b> Authorization for private contingency funds was added in FY 2011-12 because the department was seeking private foundation support for initiatives related to hate crime response and prevention. The FY 2012-13 budget increased the private contingency fund authority from \$500,000 to \$750,000.</p>
402	<p><b><u>Receipt and Expenditure of Additional Funds.</u></b> Provides that the Department may receive and expend funds from local or private sources in addition to appropriations in Part 1 for training, sale of publications, mediation processes, providing copies, for workshops and award programs, and for staffing costs related to services provided to local governments and the public. Requires annual report on receipts and expenditures.</p> <p><b>Background:</b> Revenue received pursuant to this section recently averaged approximately \$40,000 per year. Authority to use revenue for staffing costs was new in FY 2011-12.</p>
403	<p><b><u>Local Government Contracts.</u></b> Allows the Department to contract with local governments to review equal opportunity compliance of potential contractors. May charge for and expend funds received for this purpose.</p> <p><b>Background:</b> The Contract Compliance Unit reviews contractors seeking to be awarded contracts with the State for equal opportunity compliance. This section permits the Department to extend this service to local units of government.</p>